

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Fox Shiver, LLC,

Plaintiff

Case No.: 25-cv-3068

v.

Individuals, Corporations, Limited
Liability Companies, Partnerships,
and Unincorporated Associations Identified
on Schedule A to the Complaint,

Defendants.

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~~PROPOSED~~ CONSENT ORDER AND JUDGMENT

Plaintiff Fox Shiver LLC (“Plaintiff”) filed this action against Defendant OMCovers (“OMCovers”), and other Defendants. Plaintiff and OMCovers have resolved all claims arising from the allegations in the Complaint.

THIS COURT HEREBY FINDS that it has personal jurisdiction over OMCovers because OMCovers directly target their business activities toward consumers in the United States, including New York, offering to sell and ship products into this Judicial District, and contracting with a New York based company, Etsy, Inc. (“Etsy”), to operate OMCovers’ interactive, e-commerce storefront. OMCovers contracted with Etsy to create a commercial online storefront through which products incorporating Plaintiff’s federally registered Artwork, namely the artwork titled “Not Today,” bearing U.S. Copyright Registration VA-2-240-645. In contracting with Etsy, OMCovers paid Etsy listing fees and commissions relating to the sale of goods incorporating Plaintiff’s artwork.

THIS COURT FURTHER FINDS that the parties have agreed to a damages amount to be paid by OMCovers in order to settle all claims, as memorialized in the parties' settlement agreement (the "Settlement Amount") and that the Settlement Amount will be paid from funds currently frozen in OMCovers' Etsy Account (the "Account Balance").

IT IS HEREBY ORDERED that:

1. Etsy is ordered to transfer the Account Balance from OMCovers' account to Plaintiff or Plaintiff's counsel within seven (7) calendar days of receipt of this Order. To the extent the available funds are insufficient to satisfy the Settlement Amount, Defendant OMCovers remains responsible for satisfying the remaining balance pursuant to the terms of the parties' settlement agreement.

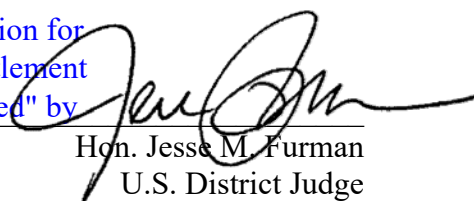
2. Upon Etsy's transfer of the full Account Balance to Plaintiff, Etsy shall remove any restraints that were placed on OMCovers' e-commerce stores and financial accounts pursuant to the Temporary Restraining Order and Preliminary Injunction Order provided, however, that if the Account Balance is insufficient to satisfy the full Settlement Amount, such restraints shall remain in effect until Plaintiff notifies Etsy in writing that the remaining balance has been paid in full.

3. This case is dismissed solely as it relates to this Defendant, with leave to reinstate within ~~one hundred and eighty (180) days~~ ^{sixty (60)}, at such time, absent a motion to reinstate, shall automatically convert to a dismissal with prejudice.

4. Plaintiff and OMCovers shall bear their own attorneys' fees and costs.

SO ORDERED this 4th day of June, 2025

Application GRANTED. If the parties wish for the Court to retain jurisdiction for the purpose of enforcing an settlement agreement, they must submit the settlement agreement to the Court by the deadline to reinstate this case to be "so-ordered" by the Court. The Clerk of Court is directed to terminate ECF No. 52 and to terminate OMCovers as a Defendant in the case.


Hon. Jesse M. Furman
U.S. District Judge